

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF ELLE LOCHELT
IN SUPPORT OF PLAINTIFFS'
RESPONSE TO CITY OF SEATTLE'S
MOTION FOR SPOILIATION AGAINST
PLAINTIFFS HUNTERS CAPITAL;
RICHMARK LABEL; MATTHEW
PLOSZAJ; CAR TENDER; BERGMAN'S
LOCK & KEY; WADE BILLER; AND
ONYX HOMEOWNERS ASSOCIATION

Noting Date: November 15, 2022

I, Elle Lochelt, declare as follows:

1. I am a Sales/Marketing Manager at Richmark Label. While I manage several employees at Richmark, including sales employees and the receptionist, I am not a part of Richmark's management group that determines policies and other major business decisions at Richmark.
2. I joined a Signal message group around June 19, 2020, in order to receive updates of what was going on in the Capitol Hill neighborhood. I recall that there were many individuals

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OF SEATTLE'S MOTION FOR SPOILIATION
(Case No. 2:20-cv-00983-TSZ) - 1

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1 in the group that were not identifiable by me.

2 3. I participated in the group mostly passively, and discontinued using the
3 application in early August 2020. I stopped using the app due to the large number of
4 notifications that I was receiving.

5 4. The messages I sent in Signal concerned attacks in CHOP on FedEx delivery
6 drivers, the failure of police to clear CHOP after the murder on June 20, 2020, five shootings that
7 had occurred in and around CHOP by June 22, 2020, reduced access to the Richmark building on
8 June 22, 2020 due to the presence of CHOP protesters, Richmark's shutdown on June 26, 2020
9 due to perceived danger in CHOP, and the murder that occurred on June 29, 2020, by one of the
10 CHOP security guards. I do not recall having sent any messages using Signal other than those
11 commenting on the protester's activities in and around CHOP.

12 5. After early August 2020, I do not recall sending any messages using the Signal
13 message app.

14 6. I have reviewed the Signal messages that were produced in this case, and I do not
15 recall having sent any other direct messages using the Signal app.

16 7. I was not aware that Signal had a "disappearing messages" feature, and I do not
17 believe I ever used that feature.

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2 I declare under the penalty of perjury under the laws of the United States of America and
3 the State of Washington that the foregoing is true and correct.

4 DATED this 21st day of October, 2022 at Seattle, Washington.

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DECLARATION OF ELLE LOCHELT IN
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